

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT A. POSEY,

Defendant.

Case No. CR07-5135 FDB

ORDER ON MOTION FOR  
DISCOVERY

This matter comes before the Court on Defendant Robert Posey's "Motion for Discovery Pursuant to Rule 16." The United States has not responded.

The local rules of criminal procedure do not contemplate a blanket motion for Rule 16 discovery. As clearly stated in the preamble to Local Criminal Rule (CrR) 16, the purpose of the rule is to expedite the transfer of discovery material between opposing parties in criminal cases and "to ensure that pretrial discovery motions to the court are filed only when the discovery procedures outlined [in Rule 16] have failed to result in the exchange of all legitimately discoverable material." Additionally, "motions for discovery or inspection shall contain a certificate that counsel have engaged in a discovery conference and have discussed the subject matter of each motion and have

1 been unable to reach agreement of the resolution of the issues.” CrR 16(I).


2 Defendant has not certified compliance with Rule 16. Nor have any allegations been made,  
3 or facts presented, that the United States is not complying with its Rule 16 obligations. Unless a  
4 discovery conference is conducted and a real controversy exist between the parties, the Court finds it  
5 inappropriate to enter an order requiring Rule 16 discovery.

6 ACCORDINGLY;

7 IT IS ORDERED:

8 Defendant’s motion for discovery pursuant to Rule 16 [Dkt. #21] is **DENIED**.

9 DATED this 6<sup>th</sup> day of April, 2007.

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FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE